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February 28, 2019

Maine Land Use Planning Commission, c/o Bill Hinkle
22 State House Station
Augusta, Maine 04333-0022

Bureau of Land Resources c/o Jim Beyer
Maine Department of Environmental Protection
106 Hogan Road Suite 6
Bangor, Maine 04401

**Re: Central Maine Power Company's Application for Site Location of
Development Act Permit and Natural Resources Protection Act Permit for
the New England Clean Energy Connect ("NECEC") from Québec-Maine
Border to Lewiston and Related Network Upgrades:**

Pre-Filed Testimony of Western Mountains & Rivers Corporation

Dear Mr. Worcester and Ms. Miller,

Enclosed please find the Pre-Filed Testimony of Joseph Christopher and Larry Warren, which is notarized, and is being filed on behalf of Western Mountains & Rivers Corporation ("WM&RC") for consideration of the Land Use Planning Commission ("LUPC") and the Department of Environmental Protection ("DEP") in the above-referenced matters.

WM&RC continues to reserve the right to supplement this testimony and/or offer rebuttal testimony through these or other witnesses pertaining to issues outlined by the LUPC and DEP for hearing.

Please call in the meantime if you have any questions.

Sincerely,

Benjamin J. Smith, Esq.

BJS/car
cc : Service List for LUPC and DEP (via email)
Enclosure

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
#L-27625-26-A-N/#L-27625-TG-B-N/)
#L-27625-2C-C-N/#L-27625-VP-D-N/)
#L-27625-IW-E-N)

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
SITE LAW CERTIFICATION SLC-9)
Beattie Twp, Lowelltown Twp, Skinner Twp,)
Appleton Twp, T5 R7 BKP WKR,)
Hobbstown Twp, Bradstreet Twp,)
Parlin Pond Twp, West Forks Plt, Moxie Gore,)
The Forks Plt, Bald Mountain Twp, Concord Twp)

**PRE-FILED DIRECT TESTIMONY AND EXHIBITS OF
JOSEPH CHRISTOPHER ON BEHALF OF
WESTERN MOUNTAINS & RIVERS CORPORATION**

I. WITNESS BACKGROUND AND QUALIFICATIONS

My name is Joseph Christopher. I live in The Forks, Maine. I am the owner of Three Rivers Whitewater ("Three Rivers"), Inn By River and Kennebec Riverside Cabins in the Forks Plantation in Somerset County, Maine. I operate The Sugarloaf Inn and am the President of the Sugarloaf Inn Association. I am also one of the owners of the Shipyard Brew Haus both in Carrabassett Valley, in Franklin County, Maine. Three Rivers also has a small resort in Millinocket, Maine which is in Piscataquis County. I have previously chaired the Kennebec Valley Tourism Counsel, was the long-time

president of the Raft Maine Association. I am currently the president of the Signal Point Marina Association. I have been actively involved for over thirty years in rafting the Kennebec River, other nearby rivers, as well as other recreational uses of the woods, streams, ponds, lakes and other natural resources in Somerset County and western Maine that will be affected by the New England Clean Energy Connect transmission project ("NECEC" or "Project").

I am also a member of the Board of Directors of Western Mountain & Rivers Corporation ("WM&RC"). I am providing this testimony on behalf of WM&RC and in support of the application by Central Maine Power Company ("CMP") for permits by the Department of Environmental Protection ("DEP") and Land Use Planning Commission ("LUPC") for the Project.

My testimony addresses the first statutory criterion listed for hearing, namely whether the Project will have an unreasonable adverse effect on the scenic character of the surrounding area and fit harmoniously into the surrounding environment. Included in these considerations will be the impact of the Project on existing scenic/aesthetic uses, recreational or navigational uses as well as the adequacy of buffering.

As a related matter, as the DEP and LUPC are aware, CMP and WM&RC have entered into a Memorandum of Understanding ("MOU") that would require CMP to make various monetary donations and non-monetary concessions in the event that the Project receives regulatory approval and enters commercial operation. Because the terms of the MOU are directly intertwined with the use of natural resources directly and indirectly affected by the Project, this testimony also will address how the Project will impact the scenic, aesthetic, recreational and other values of these areas.

II. IMPACT OF PROJECT ON SCENIC CHARACTER AND EXISTING USES

The vast majority of the Project is sited in a manner that will co-locate NECEC transmission facilities with existing transmission lines and adjacent to existing developments. The Project will not change the character of uses associated with these areas.

One of the primary concerns of WM&RC and its members is the scenic and aesthetic impact of the Project from an overhead crossing of the Kennebec River. CMP has addressed these concerns by proposing that the transmission line cross the river underground and by locating structures and other development associated with the termination points away from the viewshed of users of the river. Based on these revisions to CMP's application, prior concerns of WM&RC and other intervenors regarding the impact of the Project on the scenic, aesthetic, recreational and navigational attributes of the Kennebec Gorge area have been addressed and the Project has been designed in a manner to eliminate any adverse impact in these regards and fit harmoniously into the surrounding environment.

There also should be little impact from the Project upon users of other rivers, streams, ponds, lakes, and waterways for rafting, boating, fishing, or other activities. Rafters along Maine's primitive waterways, including the upper Kennebec and Penobscot Rivers usually begin their trips close to hydro facilities that include Harris Station along the Kennebec River, as well as McKay Station along the Penobscot River. For those rafting, fishing, or boating downstream of McKay Station, these persons are accustomed to not only seeing the large hydro-electric facilities, but also transmission lines that run in close proximity to, and even cross, the Penobscot River. These users

are generally appreciative of the benefit offered by hydro-electric dams, transmission lines, and related electricity infrastructure. They also understand that these developments are necessary in order that they may enjoy electricity for their personal use. It is also worth mentioning that for many nature-based tourism businesses and outfitters, including those with connections with WM&RC, 60% of these tourists are from Massachusetts. The NECEC will likely be much less controversial to these persons, especially where the energy supply benefits of the Project will directly reduce their electricity supply costs under the terms of the Section 83D RFP.

With regard to the portion of the NECEC that will comprise the new 54 mile corridor extending to the Canadian border, this land is part of a privately held industrial forest that has been regularly clear cut over generations. The characterizations by intervenors that these areas are “pristine,” “untouched,” or “natural” are misleading and simply not true. Even for these areas, CMP has proposed the NECEC in a manner that seeks to minimize adverse impacts of the Project upon the experiences of hikers, hunters, rafters, anglers or other users of the wilderness whose activities may take them in the vicinity of the NECEC.

CMP has proposed to site the line in a manner that seeks to avoid the impact on these areas and have proposed buffers to help ensure that waterbodies are protected. CMP has also proposed the use of buffers that will help protect water bodies, as has been noted by the Maine Department of Inland Fisheries & Wildlife (“MDIFW”) Staff. The Project also proposes other buffers that will allow for the movement of animals between important habitats and help shield adjacent uses from unsightly developments. The Company has proposed the use of single tower structures that will blend with

surroundings. WM&RC and its members believe that the addition of the NECEC to this landscape should not negatively impact the scenic viewshed from natural resources affected by the Project or the tourism industry whatsoever.

III. IMPACT AND RELATIONSHIP OF MOU UPON SCENIC CHARACTER AND EXISTING USES OF AREAS IMPACTED BY THE NECEC

As part of the MOU, CMP has offered certain economic and non-economic concessions that will only be available if the Project is approved. CMP has agreed to donate between \$5 and \$10 Million to WM&RC to be used for projects that could include recreation projects, education programs about the history, ecology and uses of Maine's rivers and other projects/programs within the charitable mission of WM&RC. CMP has also agreed to provide increased public access to natural resources and increased recreational opportunities on areas directly impacted by the Project and surrounding areas. These various accommodations by CMP will directly benefit users of natural resources affected by the Project, as further described below.

In recent years, access to the Kennebec and Dead Rivers and Indian Pond by rafting and angling outfitters has been extremely limited and has become expensive. Rafting outfitters currently pay \$3.00 per person to access the Kennebec River and have been threatened with substantial increases in the near future. Access to the Dead River is currently only permitted if users and outfitters pay a premium of \$13.50 per person. Renewed access to these areas through potential no fee easement agreements with CMP, as contemplated by the MOU, would provide increased access to these rivers will provide a direct benefit to outfitters, rafters, anglers and other members of the public using these resources. The economic benefits to the tourist industry and local economy would also be significant and should not be understated.

As part of the MOU, CMP has also agreed to evaluate and negotiate in good faith donations of CMP land that is not essential to CMP's current or anticipated future needs in order to expand public access to trails, streams, ponds, and other natural resources.

- Old Rail Bed from Indian Pond to Route 15 in Rockwood
- River Frontage below The Forks
- 670 Acres on the Dead River below Grand Falls to be potentially made available to WM&RC or to one or more other charitable and/or environmental organizations designated by WM&RC
- Flagstaff Hut lease released
- Hut Sites leased at Grand Falls, Chase Stream and Indian Pond and trails under license agreement to Maine Huts & Trails
- Moxie Falls trail easements acquired and assured for 1 motorized and 1 non motorized trail from town to the falls.
- Availability for single track bike trails off the existing and proposed bike trail system
- North End of Indian Pond
- Below the dam on the Kennebec River

It is the intent of WM&RC and CMP that these land donations and acquisitions for trails will help complete and connect The Forks Area trails system (formerly the FAST trail, Ridge Trail section) from the Flood Road to the center of town. CMP has also agreed to make available to WM&RC gravel pits and the use of gravel at no fee for development and maintenance of recreational assets. Through increased public access to additional lands, lakes, streams, ponds, trails, and other natural resources, the NECEC will actually enhance scenic, aesthetic, and recreational enjoyment of these new resources as well as other resources that are adjacent to the NECEC facilities.

IV. CONCLUSION


In closing, I and many other Board members of WM&RC have, over the course of several decades, worked in western Maine's recreation and nature-based tourism industry. We are confident that the NECEC will have no adverse impact on the existing

scenic/aesthetic, recreational, or navigational uses of areas directly impacted or adjacent to the Project. The NECEC seeks to preserve the scenic, aesthetic and recreational character of existing resources impacted by the NECEC, including the Kennebec River and Gorge. At the same time, the NECEC will increase public access and recreational opportunities, thereby creating new opportunities for enjoyment and use of these important natural resources for generations to come. The DEP and the LUPC should therefore grant permits for the NECEC.

Date:

2/27/19

By:



Joseph Christopher, on behalf of
Western Mountains & Rivers Corporation

State of Maine
County of Somerset

Date: 2/27/19

The above-named Joseph Christopher, on behalf of Western Mountains & Rivers Corporation, did personally appear before me and made oath as to the truth of the foregoing pre-filed testimony.

Carol A. Gordon

Notary Public/Attorney at Law
My Commission Expires:

CAROL A. GORDON
Notary Public, Maine
My Commission Expires September 23, 2020

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

and

STATE OF MAINE LAND USE PLANNING COMMISSION

IN THE MATTER OF

CENTRAL MAINE POWER COMPANY)
NEW ENGLAND CLEAN ENERGY CONNECT)
#L-27625-26-A-N/#L-27625-TG-B-N/)
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CENTRAL MAINE POWER COMPANY)
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SITE LAW CERTIFICATION SLC-9)
Beattie Twp, Lowelltown Twp, Skinner Twp,)
Appleton Twp, T5 R7 BKP WKR,)
Hobbs town Twp, Bradstreet Twp,)
Parlin Pond Twp, West Forks Plt, Moxie Gore,)
The Forks Plt, Bald Mountain Twp, Concord Twp)

**PRE-FILED DIRECT TESTIMONY AND EXHIBITS OF
LARRY WARREN ON BEHALF OF
WESTERN MOUNTAINS & RIVERS CORPORATION**

I. WITNESS BACKGROUND AND QUALIFICATIONS

My name is Larry Warren. I live in New Portland, Maine and have been involved in the recreation and tourism business since 1970. I have lived in Carrabassett Valley and New Portland since 1970. I was one of the founders of the Town of Carrabassett Valley, participated in the municipal incorporation and early years board and employee organizational structuring and served as selectmen from 1970 to 1986; I am the founder and have served as board member of Maine Huts & Trails since 1999; I worked at Sugarloaf between 1970 and 1986 and served as Controller, President and board

member for this ski resort during those years. I have been involved with the development, management and financing of the infrastructure, real estate development, and recreational planning and development of the ski resort, golf course, cross country ski touring center, hut to hut trail and lodging facilities and the cable television system, waste water treatment facilities, potable water system and establishment of Carrabassett Valley Academy that serves the communities of Carrabassett Valley and related areas of Western Maine. Given these and other activities that I have had in Somerset and Franklin counties and western Maine, I am familiar with the rivers, streams, woods, and other natural resources that will be impacted by the New England Clean Energy Connect transmission project (“NECEC” or “Project”), as well as other surrounding natural resources.

I am also a member of the Board of Directors of Western Mountain & Rivers Corporation (“WM&RC”). I am providing this testimony on behalf of WM&RC and in support of the application by Central Maine Power Company (“CMP”) for permits by the Department of Environmental Protection (“DEP”) and Land Use Planning Commission (“LUPC”) for the Project.

My testimony addresses the first statutory criterion listed for hearing, namely whether, under DEP and LUPC rules and regulations, the use of lands impacted by the Project is consistent with the scenic character and existing uses of these lands, including considerations relating to the visual Impact of the project, scenic and aesthetic uses, buffering for visual impacts, and recreational and navigational uses.

As a related matter, as the DEP and LUPC are aware, CMP and WM&RC have entered into a Memorandum of Understanding (“MOU”) that would require CMP to make various monetary donations and non-monetary concessions in the event that the Project receives regulatory approval and enters commercial operation. Because the terms of the MOU are directly intertwined with the use of natural resources directly and indirectly affected by the Project, this testimony also will address how the Project will impact the scenic, aesthetic, recreational and other values of these areas.

II. IMPACT OF PROJECT ON SCENIC CHARACTER AND EXISTING USES

As part of its initial filing, CMP had proposed a transmission solution of the Kennebec River in the vicinity of the Kennebec Gorge that would have gone overhead. CMP subsequently amended its application and is now proposing an underground crossing through use of horizontal direction drilling (“HDD”) beneath the Kennebec River. Through use of this alternative, there should be no direct scenic or aesthetic impact from the standpoint of users of the river. CMP has also proposed termination facilities for the underground solution that will also keep these facilities out of the viewshed of users of the river.

Other areas of the Project that comprise new corridors have also been designed in a manner that should help ensure that the Project will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses. A review of the information provided by CMP as part of the Company’s September 4, 2018 Response (“September 4 Response”) to the Information Request by DEP/LUPC provides substantial evidence that recreational areas and other natural resources that coincide with hiking and snowmobile trails (e.g., No. 5 Mountain, Mosquito Mountain, and the Appalachian Trail,

Coburn Mountain, etc.) will not be adversely impacted by the Project. As noted by CMP, snowmobilers are accustomed to seeing transmission corridors and traveling within the cleared corridors, so it is unlikely that the Project would have an impact on their continued enjoyment of snowmobile trails. Hikers' experiences should also not be adversely impacted by the Project.

As shown by CMP's September 4 Response, as well as the Visual Impact Assessment (Site Law Application, Appendix E, September 2017 ("VIA"), in areas where hikers may see or pass under the Project, including portions of the Appalachian Trail from which the Project would be visible, the Project does not adversely impact existing scenic, aesthetic, and recreational uses and employs buffers where necessary to minimize the impact of the Project upon these uses. The VIA accurately demonstrates the areas that will be impacted by the Project and the significance of these impacts upon viewers. Photo simulations provided by CMP as part of Appendix D of its September 2017 application also show that the visual impact of the Project will be minimal and should not have an adverse impact on existing scenic, aesthetic, and recreational uses of natural resources adjacent to the NECEC.

It is also worth noting that CMP's proposed use of 100 foot vegetated buffers for all intermittent and perennial streams and associated floodplain wetlands areas, as reflected by an updated NECEC Waterbody Crossing Table (Exhibit 7-7) filed on February 1, 2019, is consistent with recommendations made by the Maine Department of Inland Fisheries & Wildlife ("MDIFW").

Under the LUPC's rules, utility facilities and related accessory structures are allowed within P-RR subdistricts as special exceptions provided that the applicant

shows by substantial evidence that the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible. The NECEC crosses three separate P-RR subdistricts: West Forks Plantation and Moxie Gore (Kennebec River crossing site); Beattie Twp., Lowelltown Twp., Skinner Twp., and Merrill Strip Twp. (near Beattie Pond); and Bald Mountain Twp. (near the Appalachian Trail).

For the reasons discussed above with regard to the Kennebec River crossing, CMP's proposed project adequately addresses any LUPC jurisdictional facilities in the vicinity of the Kennebec Gorge. With regard to the remainder of West Forks Plantation, Moxie Gore, and the remainder of the P-RR Districts impacted by the Project, CMP's application provides substantial evidence that the facilities are designed and will be constructed in a manner that will buffer the transmission facilities from other uses and resources within these districts with which the Project are not compatible. These documents provides substantial evidence that the transmission facilities will be buffered from other uses and resources in the various subdistricts with which the Project may be incompatible.

III. IMPACT AND RELATIONSHIP OF MOU UPON SCENIC CHARACTER AND EXISTING USES OF AREAS IMPACTED BY THE NECEC

As part of the MOU, CMP has offered certain economic and non-economic concessions that will only be available if the Project is approved. CMP has agreed to donate between \$5 and \$10 Million to WM&RC to be used for projects that could include recreation projects, education programs about the history, ecology and uses of Maine's rivers and other projects/programs within the charitable mission of WM&RC. CMP has also agreed to provide increased public access to natural resources and increased recreational opportunities on areas directly impacted by the Project and

surrounding areas. These various accommodations by CMP will directly benefit users of natural resources affected by the Project, as further described below.

The Project also seeks to avoid conserved and public lands. The Project will preserve the existing scenic, aesthetic, and recreational integrity of lands affected by the Project. The new 54 mile corridor extending to the Canadian border will traverse industrial forests that have been heavily harvested. As shown by the natural resource maps provided by CMP, an overview of the Project corridor overlaid on aerial maps shows that the existing forests are hardly in pristine or wilderness condition. Any impact upon the scenic, aesthetic, recreational and other values of these forests will not be further diminished by the corridor clearing, transmission line construction, and operation of the NECEC.

Recreational use and public access have been long-standing issues in the Forks region. The rafting companies and other outfitters have been required to pay private landowners fees in order to gain access to Indian Pond, and the Kennebec and Dead Rivers. Other private users have no legal access to these remote locations for hunting, fishing, or other recreational activities. As shown by the Pre-Filed Testimony of Joseph Christopher, the MOU will change such access rights in order that the recreational areas in the Forks region can be accessed by those wishing to hike, hunt, fish, raft, or engage in other recreational activities.

Through the various accommodations, including increased public access to lands under the MOU, the Project will have a positive impact on public access to trail corridors, hut sites, or other areas frequented by hikers, anglers, hunters, and others interested in wilderness recreation. By way of one example, Maine Huts & Trails

(“MH&T”) in recent years has acquired significant lands and easements along Flagstaff Lake, the Dead River, and the Kennebec Gorge. Many of the trail corridors and buffer areas were designed to provide non-motorized trails and remote lodging facilities from Moosehead Lake to Carrabassett Valley along significant sections of the Kennebec and Dead River. These corridors and buffer areas were acquired primarily from private landowners and the recreational corridors were selected to ensure minimal interference with the primary forest management lands in the region. These trail corridors are located in LUPC resource protected zones where aggressive forest management was conducted. The NECEC’s contributions of enhanced public access will have a positive impact on recreational and other uses of these trail corridors or the hut sites. With the increased public access for recreational activities offered under the MOU, coupled with existing efforts by MH&T and others, the Project will serve to ensure a robust and unique recreational and tourist resource in the region for generations to come. WM&RC intends to work collaboratively with MH&T and others to expedite the development of these trails and the amenities that will enhance recreational opportunities, scenic, aesthetic, and other uses of lands and natural resources, thereby increasing economic development and eco-tourism opportunities in Somerset County and western Maine.

Increased public access will also help stabilize the local economy and create new economic development opportunities resulting from nature-based tourism of areas surrounding the Project. Under the terms of the MOU, CMP has agreed, at its sole expense, to provide increased broadband to various areas in Maine that are currently underserved/unserved, including portions of Somerset County located along the Route 27 and Route 201 corridors. This additional infrastructure, the costs of which have been

cost prohibitive to communities, business owners, and other private persons, wishing to expand broadband, will provide increased connectivity, additional opportunities for the general public and tourists wishing to take advantage of western Maine's wilderness experience, thereby leading to increased nature-based uses of the Kennebec River, other rivers, lakes, ponds, streams, and recreational trails impacted by the Project. The Project will therefore not only enhance the individual wilderness experience of users of these resources, but will provide the infrastructure that is necessary to enable future generations to enjoy the same.

IV. CONCLUSION

In closing, the NECEC seeks to minimize the adverse impact of the Project on recreational, navigational, aesthetic, scenic and other uses of lands and other natural resources. Requiring a project to have no unreasonable adverse impact on scenic, aesthetic, and recreational and navigational uses and fit harmoniously into its surrounding environment does not require that the development be invisible or that there be no impact. The record provides substantial evidence that any interference associated with the scenic, aesthetic, recreational or navigational uses will be minimal and will be more than offset by the significant benefits to Somerset County, western Maine, and Maine in general. Further, the NECEC's contribution of public access will actually enhance existing scenic, aesthetic, and recreational uses, thereby enabling rafters, hikers, hunters, anglers, and other wilderness users to have continued enjoyment of these natural resources for generations to come. Increased public access and enhanced recreational activities associated with these resources will help create new opportunities for their enjoyment and use for generations to come.

By:

Date: 2/27/2019

Larry Warren
Larry Warren, on behalf of
Western Mountains & Rivers Corporation

State of Maine
County of Somerset

Date: 2-27-2019

The above-named Larry Warren, on behalf of Western Mountains & Rivers Corporation, did personally appear before me and made oath as to the truth of the foregoing pre-filed testimony.

Laura L Price
Notary Public/Attorney at Law
My Commission Expires:

LAURA L. PRICE
Notary Public, Maine
My Commission Expires February 17, 2023